

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 208**

BY SENATORS CAPUTO, WOELFEL, OLIVERIO, RUCKER,

HAMILTON, HUNT, CHAPMAN, STUART, AND DEEDS

[Passed March 02, 2023; in effect 90 days from  
passage (May 31, 2023)]



1 AN ACT to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended,  
2 relating to criminal justice training for all law-enforcement officers and correction officers  
3 regarding individuals with autism spectrum disorders, Alzheimer's, and related dementias;  
4 and requiring that all current law-enforcement officers receive the course of basic training  
5 for appropriate interaction with and response to individuals with autism spectrum  
6 disorders, Alzheimer's, and related dementias every three years.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.**

**§30-29-5a. Criminal justice training regarding individuals with autism spectrum disorders;  
Alzheimer's and dementia.**

1 (a) The Law-Enforcement Professional Standards Subcommittee shall establish within the  
2 basic training curriculum, a course for law-enforcement training programs for the training of law-  
3 enforcement officers and correction officers in appropriate interactions with individuals with autism  
4 spectrum disorders, Alzheimer's, and related dementias and shall develop guidelines for law  
5 enforcement response to individuals on the autism spectrum, individuals with Alzheimer's, or  
6 individuals with related dementias who are victims or witnesses to a crime, or suspected or  
7 convicted of a crime.

8 (b) The course of instruction and the guidelines relating to autism spectrum disorders shall  
9 be developed and delivered by the West Virginia Autism Training Center, located at Marshall  
10 University. This course of instruction may stress positive responses to these individuals; provide  
11 for the de-escalation of potentially dangerous situations; provide an understanding of the different  
12 way these individuals process sensory stimuli and language, social communication, and language  
13 difficulties likely to affect interaction; and appropriate methods of interrogation. Training  
14 instructors shall always include adults with autism spectrum disorders and/or a parent or primary  
15 caretaker of an individual diagnosed with autism spectrum disorder.

16 (c) The training course of instruction relating to Alzheimer's and dementia shall be two  
17 hours long and based on evidence-informed research into the identification of persons with  
18 Alzheimer's and other dementias, risks such as wandering or elder abuse, and the best practices  
19 for law-enforcement officers interacting with such persons. The training course of instruction may  
20 be delivered by any qualified entity, organization, or person approved by the Law-Enforcement  
21 Professional Standards Subcommittee.

22 (d) As used in this section:

23 (1) "Agency" means the ability to make independent decisions and act in one's own best  
24 interests;

25 (2) "Alzheimer's" means a medical condition diagnosis of the most common type of  
26 dementia which is a gradually progressive type of brain disorder that causes problems with  
27 memory, thinking, and behavior;

28 (3) "Autism spectrum disorder" means a developmental disability characterized by  
29 persistent and significant deficits in social communication, social interaction, communication, and  
30 behavior, and may include the diagnosis of pervasive developmental disorder, not otherwise  
31 specified, autistic disorder, and Asperger's Syndrome as defined in the Diagnostic and Statistical  
32 Manual of Mental Disorders of the American Psychiatric Association;

33 (4) "Law-enforcement officer" means any officer of any West Virginia law-enforcement  
34 agency, or any state institution of higher education as defined in §30-29-1(6) of this code;

35 (5) "Related dementias" means a major neurocognitive disorder resulting in the loss of  
36 cognitive functioning, thinking, remembering, and reasoning to such an extent that it interferes  
37 with a person's daily life and activities, including, but not limited to, inability to control emotions  
38 and changes of personality; and

39 (6) "Training instructors" means professional experts, autistic adults, and/or the family  
40 member or primary caregiver of an autistic individual who deliver instruction and information.

41 (e) The autism spectrum disorder course of basic training for law-enforcement officers and  
42 correction officers may include at least three hours of instruction in the procedures and techniques  
43 described in this subsection:

44 (1) The nature and manifestation of autism spectrum disorders;

45 (2) Appropriate techniques for interviewing or interrogating an individual on the autism  
46 spectrum, including techniques to ensure the legality of statements made, and techniques to  
47 protect the rights of the individual;

48 (3) Techniques for locating an individual on the autism spectrum who runs away and is in  
49 danger, and returning the individual while causing as little stress as possible to the individual;

50 (4) Techniques for recognizing an autistic individual's agency while identifying potential  
51 abusive or coercive situations;

52 (5) Techniques for de-escalating a potentially dangerous situation to maximize the safety  
53 of both the law-enforcement officer or correction officer and the autistic individual;

54 (6) Techniques for differentiating between an individual on the autism spectrum from an  
55 individual who is belligerent, uncooperative, or otherwise displaying traits similar to the  
56 characteristics of an autistic individual;

57 (7) Procedures to identify and address challenges related to the safety and wellbeing of  
58 autistic individuals in a correctional facility; and

59 (8) The impact of interaction with law-enforcement officers or correction officers on autistic  
60 individuals.

61 (f) The Alzheimer's and related dementias course of basic training for law-enforcement  
62 officers and correction officers may include at least two hours of instruction in the procedures and  
63 techniques described in this subsection:

64 (1) Dementia, psychiatric, and behavioral symptoms;

65 (2) Communication issues, including how to communicate respectfully and effectively with  
66 the individual who has dementia in order to determine the most appropriate response and  
67 effective communication techniques to enhance collaboration with caregivers;

68 (3) Techniques for understanding and approaching behavioral symptoms and identifying  
69 alternatives to physical restraints;

70 (4) Identifying and reporting incidents of abuse, neglect, and exploitation to Adult  
71 Protective Services (APS) at West Virginia Department of Health and Human Services;

72 (5) Techniques for de-escalating a potentially dangerous situation to maximize the safety  
73 of both the law-enforcement officer or correction officer and the individual with Alzheimer's or  
74 related dementias;

75 (6) Protocols for contacting caregivers when a person with dementia is found wandering  
76 or during emergency or crisis situations;

77 (7) Local caregiving resources that are available for people living with dementia; and

78 (8) The impact of interaction with law-enforcement officers or correction officers on  
79 Alzheimer's and dementia individuals.

80 (g) All law-enforcement recruits may receive the course of basic training for law-  
81 enforcement officers, established in this section, as part of their required certification process.  
82 The course of basic training for law-enforcement officers may be taught as part of the "crisis  
83 intervention and conflict resolution" and "people with special needs" components of the training.

84 (h) All correction officer recruits may receive the course of basic training for correction  
85 officers, established in this section, as part of their required certification process.

86 (i) All current law-enforcement officers shall receive the course of basic training for law-  
87 enforcement officers, established in this section, as part of their mandated in-service training  
88 requirement every three years.

89 (j) The Commissioner of the Division of Corrections and Rehabilitation periodically may  
90 include within the in-service training curriculum a course of instruction on individuals with autism  
91 spectrum disorder, Alzheimer's, and related dementias, consistent with this section.

92 (k) The Law-Enforcement Professional Standards Subcommittee periodically may include  
93 within its in-service training curriculum, a course of instruction on individuals with autism spectrum  
94 disorder, Alzheimer's, and related dementias, consistent with this section.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

Originated in the Senate.

In effect 90 days from passage.

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within is ..... this the.....  
Day of ....., 2023.

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*Governor*